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FILED
08 AUG 25 AM 8:21
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. FRANCISCO GALVAN-MUNOZ, Defendant.	Criminal Case No. 08-MJ-2524 GOVERNMENT'S MOTION TO DISMISS COMPLAINT WITHOUT PREJUDICE

COMES NOW the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Harold W. Chun, Assistant United States Attorney, respectfully requests, pursuant to Rule 48(a), Federal Rules of Criminal Procedure, that the Court dismiss without prejudice the Complaint in the above-entitled case.

The basis for said motion is as follows: (1) the defendant has a valid *St. Cyr* claim, as detailed in *INS v. St. Cyr*, 533 U.S. 289 (2001), with respect to his removal on October 27, 1997; (2) due process requires that he be afforded the opportunity to apply for discretionary relief from removal proceedings; and (3) it is in the interest of justice.

DATED: August 22, 2008

KAREN P. HEWITT
United States Attorney

s/ *Harold W. Chun*
Harold W. Chun
Assistant U.S. Attorney